

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVE MICHAEL COX,

Plaintiff,

v.

JAMES BENEDETTI, *et al.*,

Defendants.

3:08-cv-00502-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#105¹) entered on August 2, 2011, recommending granting in part Defendants' Motion for Summary Judgment (#58), dismissing with prejudice Plaintiff's Fourteenth Amendment claim, and denying Plaintiff's Motion to Strike (#93) and Motion for Sanctions (#97). Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#109) on August 15, 2011, and Defendants filed their Opposition to Plaintiff's Objections to Magistrate Judge's Report and Recommendation on August 29, 2011 (#110). This action was referred to the Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of

¹Refers to court's docket number.

1 the Plaintiff, the opposition of Defendants, the pleadings and memoranda of the parties and other
2 relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court
3 determines that the Magistrate Judge's Report and Recommendation (#109) entered on August 2, 2011,
4 should be adopted and accepted.

5 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
6 (#109) entered on August 2, 2011, is adopted and accepted, and Defendant's Motion for Summary
7 Judgment (#58) is GRANTED in part for Plaintiff's claims against defendant Benedetti, Corda, Peery,
8 Breackbill, Bannister, Cox, Helling, and Bagwell; Plaintiff's First Amendment access to the court
9 claims; and Plaintiff's Eighth Amendment deliberate indifference claims.

10 IT IS FURTHER ORDERED that Plaintiff's Fourteenth Amendment claim for deprivation of
11 property is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e), for failure to state a
12 claim upon which relief may be granted.

13 IT IS FURTHER ORDERED that Plaintiff's Motions to Strike (#93) and for Sanctions (#97)
14 are DENIED.

15 IT IS SO ORDERED.

16 DATED this 14th day of September, 2011.



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20 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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